IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

WEDNESDAY, THE 19TH SEPTEMBER 2007 / 28TH BHADRA 1929

WP(C).No. 27809 of 2007(I)

PETITIONER:

D.PRASAD, AGED 38 YEARS,
S/O.DAMODHARAN, ELAVINAL KIZHEKKETHIL HOUSE,
KOORAMBALA VILLAGE, PANDALAM P.O.,
PATHANAMTHITTA DISTRICT.

BY ADV. SRI.C.C.THOMAS

RESPONDENTS:

1. THE WLEFARE FUND INSPECTOR,
KERALA TODDY WORKERS WELFARE FUND BOARD,
THIRUVALLA.

2. THE DEPUTY TAHSILDAR (RR), ADOOR,
PATHANAMTHITTA DISTRICT.

3. K.NADARAJAN, S/O.KESAVAN,
PRAKASH BHAVANAM, EDAKKIDAM P.O., KAREEPRA,
KOTTARAKKARA, KOLLAM DISTRICT.

4. BIJU VARGHESE, ROY BHAVANAM,
MUNNALAM MURI, ADOOR VILLAGE,
PATHANAMTHITTA DISTRICT.

5. THE CHIEF WELFARE FUND INSPECTOR,
KERALA TODDY WORKERS WELFARE FUND BOARD,
ULLOOR, MEDICAL COLLEGE P.O.,
THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI. I.V. PRAMOD
ADV. SRI. K.HARILAL, SC FOR KTWWF

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 19/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC,J.

W.P (C) No. 27809 of 2007

Dated this the 19th day of September, 2007

J U D G M E N T

Exhibit-P1 - final determination order was issued under the Kerala Toddy Workers Welfare Fund Act. In terms of Exhibit-P1, petitioner is liable to remit the substantial amounts. While so, by Exhibits P4 and P5 respondents 3 and 4 requested that refund that is due to them from the 1st respondent be adjusted towards the liability of the petitioner. While the requests are pending, Revenue Recovery proceedings were initiated for realisation of the dues. It is at that stage, this writ petition has been filed praying for directing the 1st respondent to consider and pass orders on Exhibits P4 and P5, at the earliest.

2. I heard the Counsel for the petitioner and Learned Standing Counsel also. If refund is actually due to respondents 3 and 4, I see no reason why requests made by Exhibits P4 and P5 should not be considered. Learned Standing Counsel also submits that Exhibits P4 and P5 will be considered, within two months.

Accordingly, I dispose of this writ petition directing the 1st respondent to consider and pass order son Exhibits P4 and P5, as

expeditiously as possible, at any rate, within two months with notice to the petitioner and respondents 3 and 4. Until orders on Exhibits P4 and P5 are passed, further proceedings pursuant to Exhibit-P2 will be kept in abeyance.

Petitioner shall produce a copy of this judgment before the 1st respondent, for compliance.

(ANTONY DOMINIC, JUDGE)

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K.THANKAPPAN,J

CRL.A. NO.92 OF 1999

ORDER

25th May, 2007